

MAY 22 2018

AO 91 (Rev. 08/09) Criminal Complaint

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)

v.)

Miguel Angel GUTIERREZ)

YOB: 1991)

Case No. 7:18 mj 1085

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 21, 2018 in the county of Cameron in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554, & 2

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: a M203 Launcher Barrel, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2278(b)(2) and 2278(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Approved:

Robert Wells & Assoc
5/22/2018

Complainant's signature

Ryan McTaggart Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/22/18

Judge's signature

City and state:

McAllen, Texas

Juan F. Alanis, United States Magistrate Judge

Printed name and title

Attachment "A"

On May 18, 2018, as part of an ongoing firearms trafficking investigation, Homeland Security Investigations (HSI) Special Agents (SA) seized a M203 launcher barrel from a cooperating defendant (CD) in Brownsville, Texas, after the CD admitted to SAs that the M203 launcher barrel was intended to be smuggled into Mexico.

On May 21, 2018, the CD contacted an unnamed co-conspirator in Mexico and advised the unnamed co-conspirator that the M203 launcher barrel was ready to be picked up and smuggled into Mexico. The unnamed co-conspirator stated the unnamed co-conspirator would send someone to pick up the M203 launcher tube from the CD and they agreed to meet in Brownsville, Texas.

HSI SAs provided the CD with the original packaging for the M203 launcher barrel and the CD provided the packaging to Miguel Angel GUTIERREZ (hereafter referred to as GUTIERREZ) who then attempted to smuggle the package from the United States into Mexico by walking across the United States / Mexico International Boundary.

GUTIERREZ was encountered by Customs and Border Protection Officers who detained GUTIERREZ for additional questioning.

GUTIERREZ was advised of his Miranda rights and stated that he was willing to speak with SAs without an attorney present. During the interview that followed, GUTIERREZ stated GUTIERREZ had been recruited by an unnamed co-conspirator in Mexico to smuggle a tube used for launching grenades from the United States into Mexico and he knew it was illegal to smuggle a grenade launcher tube into Mexico.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), M203 launcher tubes are determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).